



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Williams, Joel
Plaintiff(s)

E/ser, J
Watkins
John Doe #1, 2
Defendant(s)

INMATE
CIVIL RIGHTS
COMPLAINT PURSUANT
PURSUANT TO
42 U.S.C. § 1983

Case No. 9: 11 CV 562

DNH/RFT

Plaintiff(s) demand(s) a trial by: ☒ JURY ☐ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

- This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

- Plaintiff: Williams, Joel
Address: Southport Corr. Fac
P O Box 2000
Pine City NY 14871-2000

Additional Plaintiffs may be added on a separate sheet of paper.

- Defendant: E/ser, J
Official Position: Correctional Officer
Address: Auburn Correctional Facility
P O Box 618
Auburn, N.Y. 13024

- b. Defendant: Watkins
Official Position: Sgt. Correctional Officer
Address: Auburn Corr. Fac
P O Box 618
Auburn, N.Y. 13024
- c. Defendant: John Doe
Official Position: Sgt. C. O.
Address: Auburn Corr. Fac.
P O Box 618
Auburn, N.Y. 13024

Additional Defendants may be added on a separate sheet of paper.

4. PLACE OF PRESENT CONFINEMENT

- a. Is there a prisoner grievance procedure at this facility?
☒ Yes ☐ No
- b. If your answer to 4a is YES, did you present the facts relating to your complaint in this grievance program?
☒ Yes ☐ No

If your answer to 4b is YES,

- (i) What steps did you take? March 8, 2011
I'd Grievant the wrong thing.
AUB 5814-11
- (ii) What was the final result of your grievance? "The grievant's
grievance could not be substantiated
and should be dismissed and close."
I appealed it.

Add on
Form
(2) 42
E
(3)

Additional Defendants:

d. Defendant; John Doe

Official Position; Correctional Officer

Address: Auburn Corr. Fac.
P O Box 618
Auburn, NY 13024

Joe Williams
"pro se"

Sworn before
me this 16th day
of May 2011

Robert T. Abrams

ROBERT T. ABRAMS
Notary Public, State of New York
Qual. In Chemung Co. No. 01AB6114504
Commission Expires August 16, 2012

- ii. Court (if federal court, name District; if state court, name County): _____
- iii. Docket number: _____
- iv. Name of Judge to whom case was assigned: _____
- v. Disposition (dismissed? on appeal? currently pending?): _____
- vi. Approximate date of filing prior lawsuit: _____
- vii. Approximate date of disposition: _____

6.

FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

On March 1, 2011 in Auburn Corr. Fac. Approx. 4:40 pm I was escorted out of the south yard from having a physical confrontation.

I was handcuffed behind my back and escorted by an officer, I am unable to name.

Then John Doe, C.O. escorted me to the holding area or receiving area. On arrival, I asked C.O. Elser could I use the bathroom? He told me to wait a few minutes.

continue
from #6 Facts

Because he's going to get a cup to take an urine test. A few minutes past.

Then he uncuffed me and in the process of uncuffing me. He asked, C.O. Elser asked me ~~why~~ or stated "You're not tough, are you?" I answered him, saying "No". C.O. Elser then asked me, "Why was you fighting?" I told him "Someone kick me and I was protecting myself."

Then was escorted ten feet to the bathroom my urine taken, washed hands and was recuffed from behind and then was escorted down a long hall by John Doe C.O. and accompanied by C.O. Elser, to the infirmary or treatment room.

There I was asked by Sgt Watkins did I want P.C. I said "No." Then I was uncuffed and I signed the P.C. Waiver.

The same Sgt Watkins who took my pictures with the camera. I asked him was my ticket a tier three. He said "Yes" I voice a complain and said "I don't know why, I just don't understand."

Then he told me to "Shut up" and remove my clothes. I complied and strip down to my boxers.

Continued ⁽²⁾
From # 6 Facts

Then pictures was taken of me by Sgt. Watkins and both Sgts. examined me for injuries. Then a nurse entered the room and told me to raise my arms and turn around and then she said "No injuries."

Then from out of the room *C.O. Elser called me sexual names. Then I was ordered to put on my clothes by Sgt. Watkins and while doing so *C.O. Elser entered the treatment room and told me to "Shut up or else." Then C.O. Elser left.

* Then I was re-cuffed from behind my back and escorted by both Sgts, Watkins, John Doe* and John Doe* & C.O.

We walked toward the holding area, then out of nowhere bang - I was ambushed, attacked by *C.O. Elser. I fell straight-backward violently and hit my head.

Then Sgt. Watkins ordered me to get up and the other Sgt. John Doe echoed him. As I was struggling to my feet *C.O. Elser was over me yelling a lot of noise at me laughing. I was so dizzy due to the ambush, the assault on me and I was bleeding from my mouth and from my cheek I couldn't understand C.O. Elser verbal yelling.

Continue
From # 6

Facts

* I was bleeding and on sight of my blood
* all four Correctional Officers laughed at me.

I was shock and shook my head in disbelief.

I then asked the Sgt. who took my picture
* Sgt. Watkins "Why did you allow this?" He
just smile/laughed and I look at the
other * Sgt. John Doe and I asked him, "why?"
Both Sgts, Sgt Watkins/John Doe told
me to shut up.

Then I heard someone say, he fell
and then I heard "yes he did fall by
the others. I am not sure which officers
said what but I did heard them all
agreeing that I fell.

Then I was led to the holding area
bathroom in which I was allow to up check
blood from the throat of my mouth.

* They all was laughing at me! The C.O.
* John Doe he kept a smile on his face.

Then I was escorted back to the Maroon
Station treatment room. On entry I was
voicing out loud to the two Sgts, Sgt -
Watkins and John Doe "Why did you
officers ambushed me?" Both Sgts told
me to shut-up!

Continue
From # 6 Facts

I also recall I kept talking, saying to both, Sgts. Watkins and John Doe and John Doe C.O. that they should be ashamed of themselves for hurting me the way they have done. When I said this C.O. Elser was not there. He stay back to clean up/mop my blood off the floor. Because when we left the blood on the floor was gone.

Then a nurse clean my wound ~~and~~ and place a Band Aid on my face. Then I was told to put on my jacket. I refused to do that, a lot of blood was on it. Note because my tooth witted through my cheek. Then I was escorted out of the treatment room down the long hall and just before and on exiting. C.O. Elser yelled out at me repeatedly called me "Nigger" "Nigger" "Nigger" and while being led from one building to the next. From the holding area building to D. building the two Sgts and John Doe laughed while they heard C.O. Elser calling me "Nigger".

This written statement is true

Respectfully Submitted
Joe Williams

Continue
From ⑤ # 6

Facts Recapitulation

And in Summary the four defendants were acting under color of State law. All four defendants, Elser, J. C. O. Watkins Sgt. and those two John Doe C.O.'s. They have all by the way of their Conduct Violated my Constitutional rights.

The violation of the Eighth Amendment each defendants, Elser, J. C. O. Watkins Sgt. and those two John Doe C.O.'s have used Excessive of force against me and failure to protect showing deliberately indifferent against me.

As the results, their conduct was the cause of my injuries which I sustained.

Dated 5/14/11

Sincerely
Joe Williams
Pro se

Sworn to before me this
16th day of May 2011

Robert [Signature]
Notary Public

ROBERT T. ABRAMS
Notary Public, State of New York
Qual. in Chemung Co. No. 01AB6114504
Commission Expires August 16, 2012

If your answer to 4b is NO - why did you choose to not present the facts relating to your complaint in the prison's grievance program? _____

- c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

_____ Yes _____ No

If your answer to 4c is YES,

- (i) What steps did you take? _____

- (ii) What was the final result regarding your complaint? _____

If your answer to 4c is NO - why did you choose to not complain about the facts relating to your complaint in such prison? _____

5. PREVIOUS LAWSUITS

- a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

_____ Yes ✓ No

- b. If your answer to 5a is YES you must describe any and all lawsuits, currently pending or closed, in the space provided below.

For EACH lawsuit, provide the following information:

- i. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

7.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

42 U.S.C. Section 1983, Civil rights action
 For ambushed/assaulted on me causing permanent
 injuries while being handcuffed from behind
 back. "Executive Force and Failure to protect
 And for adding insults to injuries ^{by C.O. Elver} calling me "Nigger"
 Seeking \$250,000 if correct or \$125,000

SECOND CAUSE OF ACTION

42 U.S.C. Section 1983, Civil rights action
 For walking me into the ambush of
 C.O. Elver. Failure to protect, ^{or take action}
 Showing deliberate indifference
 Sgt. Watkins, Seeking \$200,000 if correct or \$100,000

THIRD CAUSE OF ACTION

42 U.S.C. Section 1983, Civil right action
 For walking me into the ambush of
 C.O. Elver. Failure to protect, ^{or take action}
 Showing deliberate indifference
 John Doe, Sgt. C.O. \$150,000 if correct or \$75,000

First, second, Third cause of action
 Seeking nominal/compensatory, punitive
 damages.

Add on
7.

Cause of Action

Fourth Cause of Action

42 U.S.C. Section 1983, Civil Right Action
For walking me into the ambush of
C.O. Elder. Failure to protect,
or take action. Showing deliberate
indifference John Doe Correctional Officer.
~~\$1,500,000~~
~~\$150,000~~
Seeking damages ~~with~~ correct it stands
nominal, compensatory, punitive
And for emotional distress.

Joe Williams
"pro se"

Sworn before me on
this 16th day of May 2011

Robert [Signature]

ROBERT T. ABRAMS
Notary Public, State of New York
Qual. In Chemung Co. No. 01AB6114504
Commission Expires August 16, 20 12

8. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

C.O. Elser	^{Prison time} 1-3 yrs and cost 250,000	nominal compensatory punitive damages
Sgt. Watkins	1-3 yrs and cost 200,000	
John Doe Sgt.	1-3 yrs and cost 150,000	
John Doe C.O.	1-3 yrs and cost 150,000	
		<u>total 750,000</u>

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 5/6/11

Joe Williams
Joe Williams
Signature of Plaintiff(s) "Pro se"
(all Plaintiffs must sign)

02/2010